

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW GOMEZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Civil Case No. 13-12794
Honorable Linda V. Parker

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S JULY
21, 2014 REPORT AND RECOMMENDATION; (2) DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND (3)
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On June 26, 2013, Plaintiff filed this lawsuit challenging a final decision of the Social Security Commissioner denying Plaintiff's application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. On the following date, the matter was referred to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. On September 21, 2014, Magistrate Judge Grand issued his

R&R recommending that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm the Commissioner's decision. (ECF No. 14.)

In his R&R, Magistrate Judge Grand takes note of Plaintiff's counsel's failure to go beyond quotations of black letter case law and recitations of the facts limited to Plaintiff's subjective complaints to argue for reversal of the Commissioner's decision. (*Id.* at 9-10.) Magistrate Judge Grand concludes that, as a result, Plaintiff has waived any arguments he may have been attempting to make regarding the administrative law judge's ("ALJ's") determination of Plaintiff's credibility, assessment of the medical opinion evidence, and adequacy of the hypothetical posed to the vocational expert. (*Id.* at 10.) Magistrate Judge Grand nevertheless addresses the ALJ's residual functional capacity finding, concluding that substantial evidence in the record supported this RFC. (*Id.* at 12-14.) He therefore recommends that this Court affirm the Commissioner's decision to deny Plaintiff benefits. (*Id.* at 15.)

At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 15-16.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at 15.) No objections to the R&R were filed.

The Court has carefully reviewed the R&R and accordingly adopts Magistrate Judge Grand's July 21, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment is **GRANTED**.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 16, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 16, 2014, by electronic and/or U.S. First Class mail.

S/ Richard Loury
Case Manager